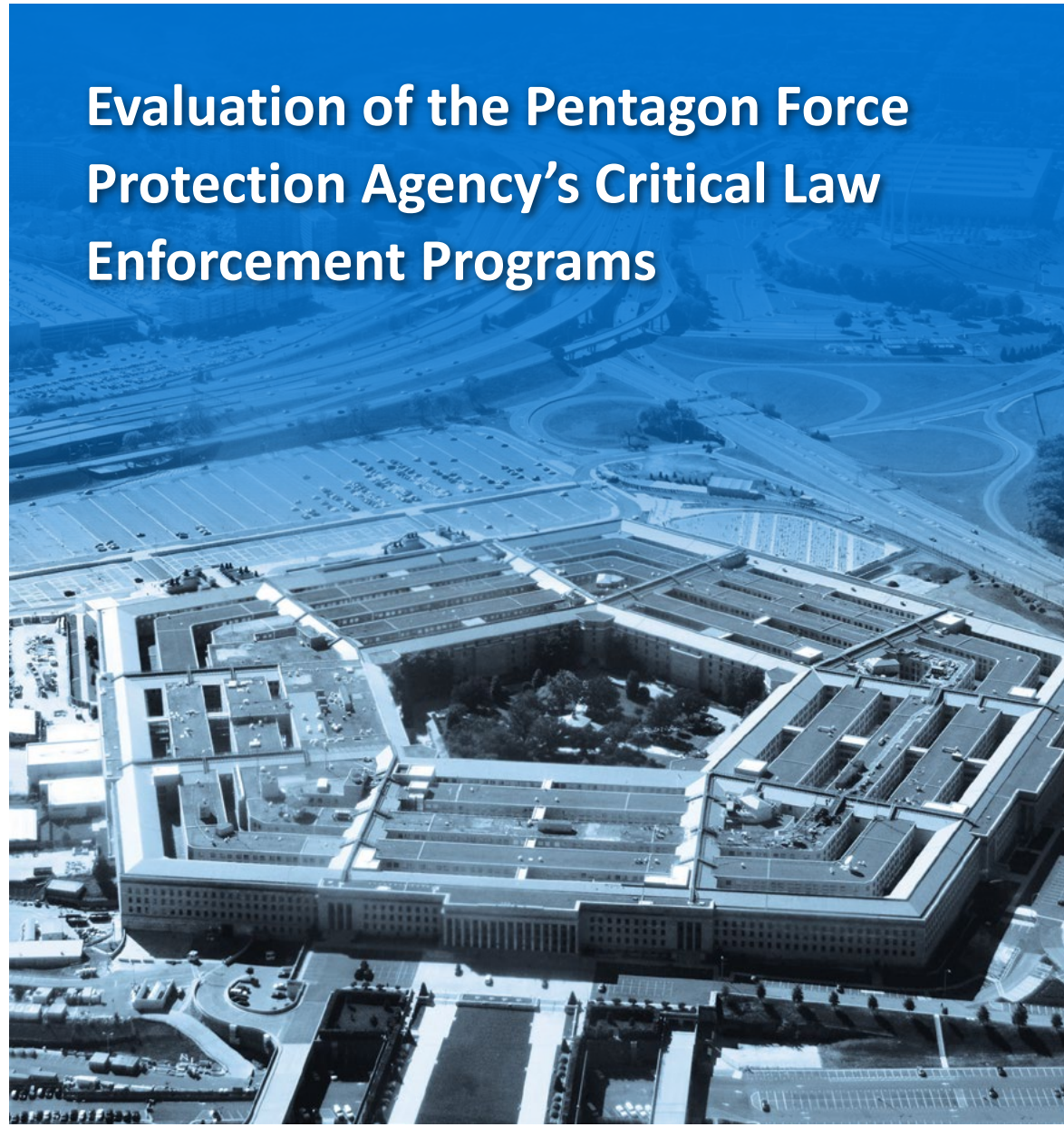




INSPECTOR GENERAL

U.S. Department of Defense

FEBRUARY 14, 2018



Evaluation of the Pentagon Force Protection Agency's Critical Law Enforcement Programs

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Results in Brief

Evaluation of the Pentagon Force Protection Agency's Critical Law Enforcement Programs

February 14, 2018

Objective

Our objective was to determine whether the Pentagon Force Protection Agency (PFPA) conducted criminal investigations in accordance with DoD and PFPA policy. Specifically, we reviewed 428 files that the PFPA opened on or after January 1, 2013, and closed on or before December 31, 2016. Of those 428 files, we evaluated 45 closed criminal investigations. We determined that the remaining 383 files were administrative investigations, which were not in the scope of our evaluation. In addition, we evaluated the PFPA Evidence and Weapons Programs to determine whether the PFPA complied with DoD and PFPA policy.

Findings

We found that 100 percent of the 45 closed criminal investigations we evaluated had deficiencies.

For example, we found that the PFPA: (1) did not enter 33 (100 percent) of the 33 subjects identified in 45 criminal investigations into the Defense Central Index of Investigations (DCII) database, (2) did not submit required criminal incident information into the Defense Incident-Based Reporting System (DIBRS) database for 45 (100 percent) of 45 criminal investigations, (3) did not collect and submit fingerprints for 1 (3 percent) of 33 subjects identified in 45 criminal investigations to the Federal Bureau of Investigation (FBI), (4) did not collect and submit Deoxyribonucleic Acid (DNA) for 3 (7 percent) of 33 subjects identified

Findings (cont'd)

in 45 criminal investigations, and (5) did not notify the appropriate Defense Criminal Investigative Organization (DCIO) at the onset of investigations, as required, in 5 (11 percent) of the 45 criminal investigations.

We found that PFPA policy did not include a requirement to comply with DoD Instruction (DoDI) 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," January 25, 2013.

We also found that the PFPA did not fully investigate 2 sexual assault allegations when the PFPA investigators did not conduct critical interviews during 2 (4 percent) out of the 45 criminal investigations. We returned the two closed sexual assault investigations to the PFPA for corrective action.

We also found that the PFPA did not manage its evidence as required by PFPA Pentagon Police Department (PPD) General Order (G.O.) 5016.01, "Evidence Management and Storage Procedures," April 20, 2005. We found that 55 (13 percent) of the 414 items of evidence we examined had deficiencies. For example, tags were illegible, item descriptions were inaccurate, and the PFPA did not count or weigh controlled substance evidence. We also found that the PFPA did not conduct semiannual evidence inventories as required by PFPA PPD G.O. 5016.01. Additionally, we found that the PFPA used four different evidence-tracking systems, which led to evidence accounting and tracking errors.

Finally, we found that the PFPA complied with applicable DoD and PFPA weapons policy and properly accounted for the weapons in its inventory.



Results in Brief

Evaluation of the Pentagon Force Protection Agency's Critical Law Enforcement Programs

Recommendations

We recommend that the Office of the Chief Management Officer (OCMO) revise DoD Directive (DoDD) 5105.68, "Pentagon Force Protection Agency (PFPA)," December 5, 2013 (Incorporating Change 1, December 6, 2017), to direct the PFPA to comply with the provisions of DoDI 5505.18.¹

We recommend that the Director, PFPA:

- Revise PFPA policies to align with DoDI 5505.18, which requires criminal investigators to receive specialized training before responding to, or acting in a supporting investigative role during investigations of, sexual assault allegations.
 - Direct compliance with DoDI 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012; DoDI 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014; DoDI 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders," December 22, 2015; and DoDI 7730.47, "Defense Incident-Based Reporting System (DIBRS)," January 23, 2014, which require collecting and submitting fingerprints and DNA samples, indexing subjects into the DCII, and submitting criminal incident information to DIBRS.
 - Direct the entry of subject and victim data of all prior criminal investigations is entered into the DCII database, criminal incident information is reported into the DIBRS, and fingerprints from subjects of all criminal investigations are collected and submitted.
- Refer the two sexual assault investigations, case number 15-00628 and case number 2016-0089, to the Federal Bureau of Investigation (FBI) for it to complete the investigative steps not previously conducted.
 - Direct compliance with PFPA PPD G.O. 5016.01 concerning collecting, processing, inventorying, and disposing of evidence.
 - Identify and direct the use of one evidence management system to manage the PFPA Evidence Program.
 - Install a serviceable refrigerator in the evidence room.

Management Comments and Our Response

The Director of Organizational Policy and Decision Support, responding for the OCMO, partially agreed with our recommendation to revise DoDD 5105.68 to direct the PFPA to comply with the provisions of DoDI 5505.18, which requires criminal investigators to receive specialized training before investigating sexual assault allegations. The Director stated that because the PFPA was not included in the DoDI 5505.18 definitions of a "military criminal investigative organization" or "other law enforcement activity resources," our assessment of the PFPA's compliance was premature.

We determined that the requirements established in DoDI 5505.18 apply to Defense agencies. DoDD 5100.01, "Functions of the Department of Defense and Its Major Components," December 21, 2010, and DoDD 5105.68 identify the PFPA as a Defense agency. Although DoDI 5505.18 did not identify the PFPA as a "military criminal investigative organization" or "other law enforcement activity resources," the PFPA is a Defense agency, and as such, it was subject to DoDI 5505.18 requirements. To clarify the PFPA's roles and responsibilities when dealing with sexual assault reports

¹ Effective February 1, 2018, pursuant to section 910 of the National Defense Authorization Act for FY 2018 (Public Law 115-91), the position of the Deputy Chief Management Officer (DCMO) was eliminated. Although the Office of the DCMO originally provided comments in response to the official draft report, we now direct our request for comments to this final report to the OCMO.



Results in Brief

Evaluation of the Pentagon Force Protection Agency's Critical Law Enforcement Programs

Management Comments and Our Response (cont'd)

that do not involve members of the military services, we are revising DoDI 5505.18 to delineate the PFPA's authorities when responding to reports of sexual assault.

We request that the OCMO revise its guidance to align with the DoDI 5505.18 revision once it is published. The recommendation is resolved but will remain open. We will close the recommendation once we verify that the OCMO has revised its guidance to align with the upcoming DoDI 5505.18 revision.

The Director, PFPA, did not agree with our assessment that DoDI 5505.18, as written, establishes investigative standards for the PFPA, but he agreed to update PFPA's policies to ensure compliance with DoDI 5505.18 and take immediate action to ensure that PFPA's criminal investigators receive the specialized training identified in DoDI 5505.18.

The PFPA referred the two sexual assault cases identified in the report to the FBI. Additionally, the Director stated that he will ensure that all required investigative and criminal incident information, including fingerprints, DNA, and DIBRS, are submitted for inclusion in the FBI databases.

The Director's proposed actions satisfy the intent of the recommendations. Therefore, the recommendations are resolved but will remain open. We will close these recommendations once we verify that the PFPA has updated its policies and completed the corrective actions.

The Director further stated that the PFPA completed a 100-percent, 2-person inventory of all evidence and began disposing of evidence that was approved for disposition. The Director also stated that PFPA scheduled the evidence custodians for refresher training and created a master index of all evidence under the PFPA's control. The PFPA estimates that all of the corrective actions will be implemented by May 2018. Finally, the PFPA serviced the refrigerator in its evidence room, installed a new, temporary storage refrigerator, and placed both of these refrigerators on a maintenance schedule for every 6 months to ensure continued serviceability.

Please see the Recommendations Table on the following page.

Recommendations Table

Management	Recommendations Unresolved	Recommendations Resolved	Recommendations Closed
Office of the Chief Management Officer	None	A.1	None
Director, Pentagon Force Protection Agency	None	A.2 and B.1	None

Please provide Management Comments by March 2, 2018.

Note: The following categories are used to describe agency management's comments to individual recommendations.

- **Unresolved** – Management has not agreed to implement the recommendation or has not proposed actions that will address the recommendation.
- **Resolved** – Management agreed to implement the recommendation or has proposed actions that will address the underlying finding that generated the recommendation.
- **Closed** – OIG verified that the agreed upon corrective actions were implemented.



**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

February 14, 2018

**MEMORANDUM FOR OFFICE OF THE CHIEF MANAGEMENT OFFICER
DIRECTOR, PENTAGON FORCE PROTECTION AGENCY**

**SUBJECT: Evaluation of the Pentagon Force Protection Agency's Critical Law
Enforcement Programs (Report No. DODIG-2018-071)**

We are providing this report for review and comment. Our objective was to determine whether the Pentagon Force Protection Agency (PFPA) investigated criminal investigations in accordance with DoD and PFPA policy. In addition, we evaluated the PFPA's Evidence and Weapons Programs to determine whether the PFPA complied with DoD and PFPA policy. We conducted this evaluation as required by the "Quality Standards for Inspection and Evaluation," published in 2012 by the Council of the Inspectors General on Integrity and Efficiency.


We found that the PFPA did not complete investigations as required by DoD and agency policy and did not manage its Evidence Program as required by agency policy. We also found that the PFPA managed its Weapons Program as required by DoD and agency policy.

We considered management comments on a draft of this report when preparing the final report. DoD Instruction 7650.03 requires that recommendations be resolved promptly. Comments from the Director of Organizational Policy and Decision Support, responding for the Office of the Chief Management Officer (OCMO), partially addressed Recommendation A.1. Therefore, we request additional comments from the OCMO by March 2, 2018.

Please send a PDF file containing your comments to shawn.simonton@dodig.mil. Copies of your comments must have the actual signature of the authorizing official for your organization. We cannot accept the /Signed/ symbol in place of the actual signature. If you arrange to send classified comments electronically, you must send them over the SECRET Internet Protocol Router Network (SIPRNET).

We appreciate the courtesies extended to our staff during this evaluation. [REDACTED]

[REDACTED] If you desire, we will provide a formal briefing on the results.


Randolph R. Stone
Deputy Inspector General
Policy and Oversight

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Introduction

Objective

Our objective was to determine whether the Pentagon Force Protection Agency (PFPA) conducted criminal investigations in accordance with DoD and PFPA policy. Specifically, we reviewed 428 files that the PFPA opened on or after January 1, 2013, and closed on or before December 31, 2016. Of those 428 files, we evaluated 45 closed criminal investigations. We determined that the remaining 383 files were administrative investigations, which were not in the scope of our evaluation. In addition, we evaluated the PFPA's Evidence and Weapons Programs to determine whether the PFPA complied with DoD and PFPA policy.

Specifically, we evaluated whether the PFPA:

- entered subjects of investigations into Defense Central Index of Investigations (DCII) as required by DoD Instruction (DoDI) 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012;
- submitted criminal incident information to the Defense Incident-Based Reporting System as required by DoDI 7730.47, "Defense Incident-Based Reporting System (DIBRS)," January 23, 2014;
- collected and submitted fingerprints and criminal history data from subjects of investigations to the Federal Bureau of Investigation (FBI) as required by DoDI 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014;
- collected and submitted Deoxyribonucleic Acid to the U.S. Army Criminal Investigations Laboratory as required by DoDI 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations," May 27, 2010;
- notified a Defense Criminal Investigative Organization (DCIO) at the onset of all investigations initiated on Military Service members, DoD civilians, or DoD contractors who are identified as subjects or victims of criminal activity as required by DoDI 5505.16, "Investigations by Department of Defense Components," May 7, 2012;
- conducted sexual assault investigations in accordance with DoDI 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," January 25, 2013;

- reported allegations of misconduct made against senior officials to the DoD Office of Inspector General (OIG) pursuant to DoDI 5505.16, as implemented by DoD Directive (DoDD) 5505.06, “Investigations of Allegations Against Senior Officials of the Department of Defense,” April 10, 2006, and “Investigations of Allegations Against Senior DoD Officials,” June 6, 2013;
- managed its Evidence Program according to the PFPA Pentagon Police Department (PPD) General Order (G.O.) 5016.01, “Evidence Management and Storage Procedures,” April 20, 2005;
- accounted for weapons in its inventory as required by PFPA Regulation 5000.64, “Property Accountability,” July 22, 2013. Additionally, we determined whether the PFPA stored weapons according to DoD Manual 5100.76, “Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives (AA&E),” April 17, 2012; DoD 6055.09-M, Volume 1, “Ammunition and Explosives Safety Standards: General Explosives Safety Information and Requirements,” February 29, 2008; and DoD 6055.09-M, Volume 2, “DoD Ammunition and Explosives Safety Standards: Explosives Safety Construction Criteria,” August 4, 2010; and
- armed employees complied with DoDD 5210.56, “Carrying of Firearms and the Use of Force by DoD Personnel Engaged in Security, Law and Order, or Counterintelligence Activities,” April 1, 2011.

See the Appendix A for our scope and methodology.

Background

The PFPA is a Defense agency that evolved from the General Services Administration’s United States Special Policemen. In 1987, the General Services Administration delegated the protection of the Pentagon to the DoD, and the Defense Protective Service (DPS) was established. The PFPA assumed the functions of the United States Special Policemen. In 2002, the PFPA was established in response to the September 11, 2001, terrorist attack against the Pentagon.

The PFPA’s mission is to provide law enforcement services, force protection, counterintelligence, antiterrorism, protection of high-ranking DoD officials, and the defense of the Pentagon’s personnel, facilities, and infrastructure. It employs approximately 1,250 Federal civilian employees, including 794 law enforcement officers and criminal investigators authorized to conduct criminal and administrative investigations. In addition, the PFPA employs approximately 202 contracted security officers authorized to carry firearms at their assigned duty site.²

² The PFPA is also responsible for security at several leased Government facilities in the National Capital Region.

The PFPA Threat Management Directorate (TMD) detects, responds to and assesses threats to the Pentagon, and ensures the PFPA is prepared to provide law enforcement and security services. Within the TMD, the Investigations and Intelligence Division (IID) is primarily responsible for conducting all other PFPA investigations, including criminal investigations. The PFPA Office of Professional Responsibility (OPR) is under the operational control of the Director, PFPA, and is not a part of the TMD. The OPR is primarily responsible for conducting employee misconduct investigations and special inspections for the Director. The OPR is required to comply with both the PFPA policies and the internal OPR policies.

Finding A

The PFPA Did Not Complete Investigations as Required by DoD and Agency Policy

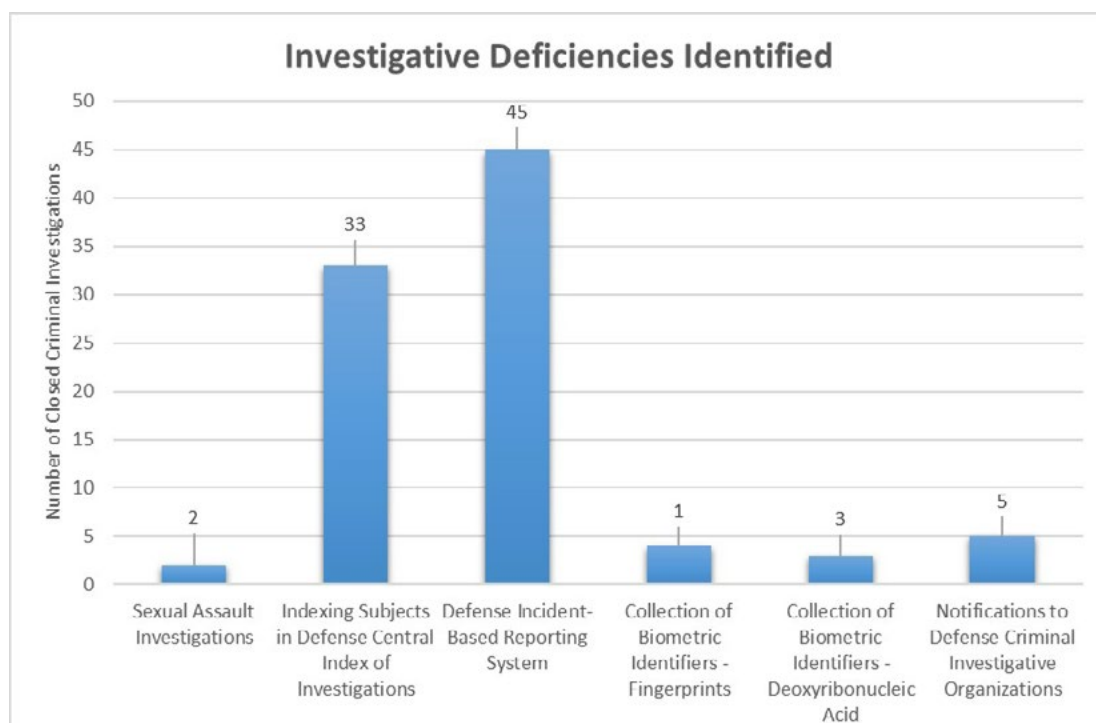
We found that of the 45 closed criminal investigations that we evaluated, 45 (100 percent) investigations had deficiencies. We determined that:

- the PFPA did not enter 33 (100 percent) of the 33 subjects identified in the 45 criminal investigations in the DCII database as required by DoDI 5505.07;³
- the PFPA did not report criminal incident information to DIBRS in 45 (100 percent) of the 45 criminal investigations as required by DoDI 7730.47;
- the PFPA did not collect and submit fingerprints from 1 (3 percent) of the 33 subjects identified in 45 investigations as required by DoDI 5505.11;
- the PFPA did not collect and submit DNA from 3 (7 percent) of the 33 subjects identified in 45 investigations as required by DoDI 5505.14;
- the PFPA did not notify the appropriate DCIO at the onset of an investigation in 5 (11 percent) of the 45 investigations as required by DoDI 5505.16; and
- the PFPA policy does not include requirements for criminal investigators to receive specialized training before investigating sexual assault allegations, as required by DoDI 5505.18. We found that 2 (4 percent) of the 45 criminal investigations were sexual assault allegations conducted by criminal investigators who did not have the requisite training and that the criminal investigators did not conduct critical investigative steps.

Discussion

We reviewed 428 files that the PFPA opened on or after January 1, 2013, and closed on or before December 31, 2016. Of the 428 files, we evaluated 45 closed criminal investigations to determine whether the PFPA conducted these criminal investigations in accordance with DoD and PFPA policies. We determined the remaining 383 files were administrative investigations, which were not in the scope of our evaluation. The table reflects specific investigative deficiencies found during our PFPA investigative file reviews.

³ Fourteen criminal investigations had no named subjects and one investigation had multiple subjects. The PFPA identified a total of 33 subjects in criminal investigations that we evaluated.

Table. Investigative Deficiencies

Results of Criminal Investigation Evaluations

Sexual Assault Investigations

The PFPA records revealed that it investigated two sexual assaults that occurred during the period of our evaluation (January 2013 through December 2016).

- Case number 15-00628: Two civilian employees complained that their mutual civilian supervisor forcibly touched and kissed (and attempted to kiss) them repeatedly.
- Case number 2016-0089: A non-DoD affiliated person alleged that two PFPA PPD employees raped the victim while she was in the PFPA's custody.

DoDI 5505.18 is the standard for, and applies to, all DoD law enforcement activities and requires specialized training.⁴ We found that the three policies applicable to the PFPA's law enforcement mission do not include requirements for criminal investigators who investigate sexual assaults to receive specialized

⁴ Training requirements for criminal investigators who conduct sexual assault investigations are in DoDI 5505.18; DoDI 5505.19, "Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs)," February 3, 2015; and DoDI 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," May 24, 2017.

training.^{5,6} The absence of policy may have contributed to the PFPA not ensuring its investigators were properly trained to conduct sexual assault investigations. This may have also contributed to the PFPA investigators not conducting critical interviews and other investigative steps during the course of these sexual assault investigations. For example, in PFPA case number 15-00628, where the victim reported that her supervisor, a Washington Headquarters Services employee, sexually harassed and sexually assaulted her, the PFPA investigators did not conduct a key interview of another potential victim, did not interview several key witnesses, and did not conduct pertinent records checks that could have disclosed a pattern of similar behavior.

Additionally, the victim told the PFPA investigators that she was aware of previous Equal Employment Opportunity (EEO) complaints filed against the subject. In fact, the subject admitted that he was the subject of multiple “frivolous” EEO complaints for harassing female coworkers, yet there was no indication that the PFPA investigators conducted an EEO records check. The victim also told the PFPA investigators of other sexual harassment incidents that the subject perpetrated on her. The PFPA investigators asked the victim why she did not report the previous incidents. The victim stated she did not immediately report the incident because she was aware of other incidents involving the subject but nothing (no punitive action) had happened to him. Ultimately, the victim stated that she was financially dependent on her employment income and feared the subject would terminate her if she reported the incidents against him.

In case number 2016-0089, where the victim claimed she was raped by an unknown PFPA officer, the PFPA did not interview a key witness; the only witness to have direct knowledge of the victim’s demeanor at the time the victim conveyed the specifics of the assault to her. This witness also knew the victim and the victim’s background. Because there was a lack of physical evidence in this investigation, conducting all key interviews was the only viable means to eliminate the PFPA officers as potential subjects.

Not conducting critical investigative steps during the course of sexual assault investigations demonstrates the importance of specialized training that prepares the investigators for the complexities involved with sexual assault investigations. The specialized training is directed toward the investigator’s awareness of the

⁵ The three policies applicable to the PFPA are DoDD 5105.68; PFPA Regulation 9411, “Investigating Sexual Assault,” June 3, 2009; and PFPA OPR Standard Operating Procedure (SOP), Chapter 3, “Investigative Procedures,” June 18, 2013.

⁶ The stated purpose of DoDI 5505.18 is to establish policy, assign responsibility, and provide procedures for the investigation of adult sexual assaults in DoD. We determined that there was no intent to exempt the PFPA from any of the requirements set forth in the Instruction because it codifies requirements in Section 1561, title 10, United States Code, (10 U.S.C. § 1561 [2015]) “Complaints of sexual harassment: investigation by commanding officers.” Section 1561 requires a consistent training curriculum for DoD law enforcement personnel who investigate adult sexual assaults. For more information, please see Appendix A.

sensitivities associated with sexual assault victims and helps the investigator to understand the importance of the victim interview (refer to footnote 3). Additionally the failure to conduct comprehensive victim interviews can affect investigative sufficiency and prevent the discovery of information that the victim alone can provide.

We provided information on the two investigations with deficiencies to the PFPA. We asked the PFPA to consider our findings and, where practical, reopen those investigations to conduct additional investigative activity to address deficiencies. The PFPA Investigations and Intelligence Division (IID) Director declined to reopen case number 15-00628 because the Special Assistant United States Attorney (SAUSA) had previously declined prosecution. The SAUSA determined the collected evidence did not support allegations of sexual assault. However, we believe that the SAUSA may reconsider prosecution once the investigative steps that the PFPA did not conduct have been completed.

In addition, the PFPA OPR Director stated that he declined to reopen case number 2016-0089 because the PFPA OPR criminal investigators had pursued all of the logical leads by interviewing the alleged victim (who was uncooperative) rather than the complainant.⁷ We disagree. The PFPA did not have criminal investigators who were trained to conduct sexual assault investigations and it did not pursue all of the logical leads in these two sexual assault investigations. Therefore, the PFPA should refer the two investigations to the FBI, because the FBI had jurisdiction to investigate sexual assaults that are alleged to have taken place on federal property.⁸

Indexing Subjects in Defense Central Index of Investigations

DoD policies require DCIOs and other DoD law enforcement activities (including the PFPA) that conduct criminal investigations to enter subjects of criminal investigations into the DCII database. This process is known as indexing.⁹ DoD law enforcement activities enter an individual or entity as the subject of a criminal investigation into the DCII to ensure information is retrievable for future use. Criminal history records are incomplete if DoD law enforcement activities do not properly enter subjects in the DCII database.

⁷ A third party individual brought this allegation forward. This individual is referred to as the complainant.

⁸ The PFPA should have referred these allegations to the FBI for investigation because the Pentagon is exclusive federal jurisdiction. Federal jurisdiction is exercised only in areas granted to the Federal Government pursuant to the Constitution.

⁹ DoDI 5505.07 states that “indexing” is the process used to identify information concerning subjects, victims, or incidentals of investigations for addition to DCII.

We searched the DCII database and found that the PFPA did not enter any of the 33 subjects identified in the 45 closed criminal investigations into the DCII database. In response to our evaluation, the PFPA began entering the 33 subjects into the DCII database. As of October 31, 2017, 16 of 33 subjects had been entered into the DCII database.

We interviewed the PFPA's Director of the TMD and asked him about the PFPA's process concerning the indexing of subjects under criminal investigation. He stated that the PFPA had a lapse in reporting and were in the process of regaining access to the DCII database, publishing updated guidance, and clearing the backlog. He stated that the PFPA believed that the reason for the loss of access was due to the attrition of personnel authorized to enter data into DCII and internal reorganization of investigative programs and responsibilities.

We also interviewed the PFPA TMD Senior Law Enforcement Advisor because he was the point of contact for reestablishing access to the DCII database. He told us that he believed the PFPA had lost access to DCII in 2010 and had not entered subject information into the database during the evaluation period. He could not explain the loss of access to DCII nor could he attribute the loss of access to a specific person or event. However, in response to our evaluation, the PFPA provided a draft of its policy that assigned responsibilities and established processes and procedures consistent with DoDI 5505.07. The draft policy gives the Director of the TMD responsibility for ensuring all PFPA personnel who conduct investigations understand the policy and procedures for indexing subjects and victims of its investigations. The PFPA TMD Senior Law Enforcement Advisor told us the PFPA would index subjects and victims of the investigations it conducted from 2010 to present, by November 3, 2017.

Reporting Criminal Incident Information to the Defense Incident-Based Reporting System

We interviewed the PFPA's TMD Senior Law Enforcement Advisor regarding the PFPA's process for reporting criminal incident information to DIBRS.¹⁰ He stated that the PFPA had no process to collect and report the information to DIBRS.

Reporting criminal incident information to DIBRS is an agency accreditation requirement under the Peace Officer Standards and Training (POST).¹¹ The PFPA did not report criminal incident information to DIBRS, which could have resulted

¹⁰ DIBRS is DoD's centralized criminal incident data reporting system that reports DoD criminal incident data to the FBI's National Incident Based Reporting System. For more information on DIBRS, please see Appendix A.

¹¹ POST is a nationally recognized standard of training for determining law enforcement agency accreditation. DoD has its own POST Commission, which is comprised of 13 voting and non-voting members. The 13-member commission includes a military or civilian representative from each DoD law enforcement agency. The DoD Post Commission develops and certifies accreditation standards for DoD law enforcement agencies.

in the loss of accreditation as a law enforcement activity by the authority of the Director of DoD POST. In response to our evaluation, the TMD Senior Law Enforcement Advisor contacted the Defense Human Resources Activity, Director of DoD POST, and informed him of PFPA's noncompliance with the DIBRS reporting requirement. The TMD Senior Law Enforcement Advisor coordinated a technical solution with the DoD DIBRS Systems Program Manager to bring the PFPA into compliance. Subsequently, the Director of DoD POST granted a 90-day waiver (until October 1, 2017) and a waiver extension (until February 9, 2018) to the PFPA for the DIBRS reporting requirement while it developed an automated method to report criminal incident information to the FBI. The Director of DoD POST told us the DIBRS criminal incident information reporting is required of all Federal law enforcement agencies by Section 534 of Title 28, United States Code, "The Uniform Federal Crime Reporting Act of 1988."

The PFPA's TMD Senior Law Enforcement Advisor told us that the PFPA was working on an information technology solution, similar to the Defense Criminal Investigative Organizations that would allow its investigative reporting system to transmit the required information automatically. Once that solution is in place, he expected that the PFPA would report all previously unreported criminal incident information to the DIBRS.

Collection of Biometric Identifiers¹²

Fingerprints

The PFPA processes all subjects at the PFPA Court Liaison Office, including collecting fingerprints.¹³ We interviewed the PFPA Court Liaison Office Supervising Sergeant, who had 5 years of experience in the Court Liaison Office and 14.5 years with the PFPA. He provided us access to the fingerprint system and files. We concluded that the PFPA did not collect and submit fingerprints and final disposition data to the FBI for 1 of 8 subjects that required fingerprint collection and submission in accordance with DoDI 5505.11, enclosure 2.¹⁴ For that one subject, case number 16-00386, the PFPA stated that the SAUSA sent a criminal summons by mail. A criminal summons is a notice that criminal charges are filed against a subject and the subject must appear in court, or respond to the court. Because the PFPA officers did not physically take the subject into custody,

¹² Biometric identifiers are distinctive, measurable characteristics used to label and describe individuals, such as fingerprints, facial recognition, DNA, and iris recognition.

¹³ The PFPA Court Liaisons serve as the liaison between the PFPA, the Office of General Counsel, other local, state, and Federal law enforcement agencies, and outside government and civilian attorney. Additionally, they assist officers in processing of arrests, normally at the time of the arrest. "Processing" is the administrative process of collecting personal information, inventory of personal items, fingerprinting, photographing, and conducting a criminal history check on a subject of an investigation.

¹⁴ The PFPA was not required by DoDI 5505.11, enclosure 2, to collect and submit fingerprints from 32 of the subjects identified in the 45 criminal investigations evaluated.

the PFPA officers stated that they were not required to collect and submit the fingerprints. However, our review of the files disclosed that the PFPA conducted a subject interview, and therefore, fingerprints should have been collected and submitted. DoDI 5505.11 requires the collection and submission of fingerprints within 15 calendar days of a subject's interview.

Deoxyribonucleic Acid

The PFPA did not collect and submit DNA in any of the following criminal investigations, as required by DoDI 5505.14, enclosure 3.¹⁵

- Case number 15-0748: The PFPA arrested the subject after he became combative during a random screening. He was charged with interfering with agency functions and disorderly conduct.
- Case number 16-00308: The PFPA arrested the subject for the theft of four bicycles from the Pentagon reservation. He was charged with theft.
- Case number 16-00469: The PFPA arrested the subject (a civilian not affiliated with DoD) for assaulting a DoD civilian employee in the parking lot. He was charged with stalking, assault, and disorderly conduct.

The PFPA TMD Senior Law Enforcement Advisor told us that the PFPA leadership and SAUSA discussed the collection of DNA when it first became a requirement in 2009. However, the organization never drafted a policy or implemented a process until our evaluation highlighted the issue.

In response to our evaluation, the PFPA TMD Senior Law Enforcement Advisor provided us with a draft policy, which when finalized, will establish policy, assign responsibilities, and define procedures for collecting and submitting DNA from subjects. The draft policy states that DNA collection will normally take place at the same time fingerprints are collected.

In addition, the PFPA Threat Management Director told us that the PFPA acquired DNA collection kits and would begin collecting and submitting DNA as required by DoDI 5505.14 once the drafted policy was approved and personnel were trained.

Notifications to Defense Criminal Investigative Organizations

DoDD 5105.68 and DoDI 5505.16 required the PFPA to notify the servicing DCIO at the onset of an investigation when it identified a military member or a DoD civilian employee as the subject or as the victim.^{16, 17}

¹⁵ The PFPA was not required by DoDI 5505.14, enclosure 3, to collect and submit DNA from 30 of the subjects identified in the 45 criminal investigations evaluated.

¹⁶ DoDI 5505.16, Enclosure 2, required the PFPA to establish procedures to notify the servicing DCIO at the onset of all criminal investigations it initiates that the DCIO may have responsibility over.

¹⁷ The term "servicing DCIO" refers to the DCIO responsible for conducting the investigation. Responsibility is typically determined by the military member's branch of service. For example, NCIS would normally investigate a Navy member.

No active duty military members were the subject of PFPA criminal investigations. However, five investigations listed civilian employees of the military services as subjects. In two investigations, the PFPA did not notify a DCIO at the onset of the investigation. In addition, seven victims that were military members, DoD civilians, or dependents were involved in four criminal investigations. The PFPA did not notify a DCIO, and we found no documentation to explain the reason.

Case number 15-00753. The PFPA officers found a sheet of counterfeit currency notes during a random screening of a civilian Air Force employee at the Pentagon entrance. The PFPA seized and transferred the counterfeit notes to the United States Secret Service as required. The PFPA IID Director agreed that the PFPA did not notify a DCIO at the onset of this investigation. He was not aware of the reason for not making the DCIO notification. The PFPA IID Director told us that the PFPA made the notification after our review of the file. We confirmed that the PFPA notified the Air Force Office of Special Investigations (AFOSI).

Case number 15-00962. A civilian Air Force employee approached the PFPA officers at the Pentagon entrance. She claimed that she forgot she had a weapon in her backpack after a weekend motorcycle ride and wanted to store it in the armory. The PFPA referred the investigation to the SAUSA for prosecution of carrying a firearm on the Pentagon Reservation. The PFPA IID Director agreed that the PFPA did not notify a DCIO at the onset of this investigation. He was not aware of the reason for not notifying the DCIO. The PFPA IID Director told us that the PFPA made the notification after our review of the file. We confirmed that the PFPA notified the AFOSI.

Case number 16-00308. Subject stole at least four bicycles from the Pentagon Reservation. The PFPA listed one victim on the report of investigation. However, a review of the file found two active duty members had bicycles stolen by the same person (video surveillance identified the subject). The PFPA IID Director agreed that the PFPA did not notify a DCIO at the onset of this investigation. He was not aware of the reason for not making the DCIO notification. The PFPA IID Director told us that the PFPA made the notification after our review of the file. We confirmed that the PFPA notified the NCIS and the USACIDC.

Case number 16-00522. Three active duty Air Force service members had cellular telephones stolen from a locker in the Pentagon. The PFPA opened a criminal investigation and closed it as “unresolved.” There was no video in that location and the PFPA had no witnesses. The PFPA IID Director agreed that the PFPA did not notify a DCIO at the onset of this investigation. He was not aware of the reason for not making the DCIO notification. The PFPA IID Director told us that the PFPA made the notification after our review of the file. We confirmed that the PFPA notified the AFOSI.

Case number 2015000042. A PFPA officer turned in two rings to the lost property location, in the shift supervisor's office, and logged them as required by PFPA policy. When an active duty Army member arrived at the lost property section to inquire about the rings the next day, the items could not be located. The PFPA OPR opened a criminal investigation to investigate the missing rings, valued at \$490. The PFPA OPR was not able to determine whether the rings were lost, or stolen from the shift supervisor's office. However, the PFPA OPR identified inadequate procedures governing the storage and security of lost and found property and changed its procedures for entering property into the lost and found location. The PFPA OPR Director agreed that the PFPA did not notify a DCIO at the onset of this investigation. He was not aware of the reason for not making the DCIO notification. The PFPA IID Director told us that the PFPA made the notification after our review of the file. We confirmed that the PFPA notified the USACIDC.

Senior Official Investigations

We interviewed the PFPA OPR Director who told us that the PFPA had not received or reported allegations of senior official misconduct during the evaluation period. We reviewed the PFPA's investigative databases and found no entries for senior official misconduct investigations during the evaluation period.

The DoD OIG ISO Branch Chief told us that the PFPA had not reported allegations of senior official misconduct during the evaluation period nor had ISO referred allegations of senior official misconduct to the PFPA.

Conclusion

The PFPA's lack of policy governing investigations of sexual assaults contributed to it not conducting critical interviews during the course of the investigations, including witness and victim interviews. DoDD 5105.68, PFPA Regulation 9411, and PFPA OPR Standard Operating Procedure (SOP), chapter 3, did not align with the requirements set forth in DoDI 5505.18, which codifies the requirements of 10 U.S.C. § 1561 (2015). The specialized training prepares the investigators for the complexities involved with sexual assault investigations, such as the sensitivities associated with sexual assault victims and to understand the importance of the victim interview. The investigators are also instructed on the various methods used in the practice of interviewing sexual assault victims within the DoD.

The PFPA also did not enter the subjects into the DCII or submit criminal incident information to DIBRS as required in all 45 investigations. We noted that the requirement to report criminal incident information to DIBRS is a Peace Officer

Standards and Training (POST) agency accreditation requirement. By not reporting criminal incident information to DIBRS, the PFPA could have lost its accreditation as a law enforcement activity.

In addition, the PFPA officers and investigators did not collect and submit fingerprints from 1 of 5 subjects as required by DoDI 5505.11. As previously detailed, the PFPA provided an explanation for not collecting and submitting the fingerprint record; however, the PFPA should have collected and submitted the fingerprints as required by DoD policy.

Lastly, the PFPA did not collect and submit DNA in 3 of 3 investigations as required by DoDI 5505.14. In addition, the PFPA did not make notifications to DCIOs at the onset of five investigations as required. We noted that a contributing factor to this deficiency was that the PFPA OPR Standard Operating Procedure, chapter 3, did not fully address the notification requirements identified in DoDI 5505.16.

Recommendations, Management Comments, and Our Response

Revised Recommendation

We adjusted the language of our Recommendation A.2.a to align with verbiage in DoDI 5505.18. Effective February 1, 2018, pursuant to section 910 of the National Defense Authorization Act for FY 2018 (Public Law 115-91), the position of the DCMO was eliminated. Although the Office of the DCMO originally provided comments in response to the official draft report, we now direct our request for comments to this final report to the OCMO.

Recommendation A.1

We recommend that the Office of the Chief Management Officer, revise DoDD 5105.68, “Pentagon Force Protection Agency (PFPA),” December 5, 2013, (Incorporating Change 1, December 6, 2017) to direct the PFPA to comply with the provisions of DoD Instruction 5505.18.

Office of the Chief Management Officer Comments

The Director of Organizational Policy and Decision Support, responding for the OCMO, partially agreed with our recommendation to revise DoDD 5105.68 to comply with DoDI 5505.18, which requires criminal investigators to receive specialized training before investigating sexual assault allegations. The OCMO contended that because the PFPA was not included in the DoDI 5505.18 definitions of a “military criminal investigative organization” or “other law enforcement activity resources,” our assessment of the PFPA’s compliance was premature.

Our Response

Comments from the Director of Organizational Policy and Decision Support partially addressed the recommendation. The requirements established in DoDI 5505.18 apply to Defense agencies. DoDD 5100.01, "Functions of the Department of Defense and Its Major Components," December 21, 2010, and DoDD 5105.68 identify the PFPA as a Defense agency. Although DoDI 5505.18 did not identify the PFPA as a "military criminal investigative organization" or "other law enforcement activity resources," the PFPA is a Defense agency, and as such, it was subject to DoDI 5505.18 requirements. To clarify the PFPA's roles and responsibilities when dealing with sexual assault reports that do not involve members of military services, we are revising DoDI 5505.18 to delineate the PFPA's authorities when responding to reports of sexual assault.

We request that the OCMO revise its guidance to align with the upcoming DoDI 5505.18 revision once it is published. The recommendation is resolved but will remain open. We will close the recommendation once we verify that the OCMO has revised its guidance to align with the upcoming DoDI 5505.18 revision.

Recommendation A.2

We recommend that the Director, Pentagon Force Protection Agency:

- a. Revise Pentagon Force Protection Agency policies to align with DoDI 5505.18, which requires criminal investigators to receive specialized training before responding to, or acting in a supporting investigative role during investigations of, sexual assault allegations.**
- b. Direct compliance with DoDI 5505.07, "Titling and Indexing Subjects of Criminal Investigations in the Department of Defense," January 27, 2012; DoDI 5505.11, "Fingerprint Card and Final Disposition Report Submission Requirements," July 21, 2014; DoDI 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations, Law Enforcement, Corrections, and Commanders," December 22, 2015; and DoDI 7730.47, "Defense Incident-Based Reporting System (DIBRS)," January 23, 2014, which require collecting and submitting fingerprints and deoxyribonucleic acid samples, indexing subjects into the Defense Central Index of Investigations, and submitting criminal incident information to Defense Incident-Based Reporting System.**
- c. Direct the entry of subject and victim data of all prior criminal investigations into the Defense Central Index of Investigations database, the reporting of criminal incident information into**

the Defense Incident-Based Reporting System, and the collection and submission of fingerprints from subjects of all criminal investigations as per the appropriate DoD issuances.

- d. Refer the two sexual assault investigations, case number 15-00628 and case number 2016-0089, to the Federal Bureau of Investigation for it to complete the investigative steps not previously conducted.**

Pentagon Force Protection Agency Comments

The Director, PFPA, did not agree with our assessment that DoDI 5505.18, as written, establishes investigative standards for the PFPA, but he agreed to update PFPA's policies to ensure compliance with DoDI 5505.18 and take immediate action to ensure that PFPA's criminal investigators receive the specialized training identified in DoDI 5505.18.

The Director, PFPA, also stated that he referred the two sexual assault cases identified in the report to the FBI. Additionally, the Director stated that he will ensure that all required investigative and criminal incident information, including fingerprints, DNA, and DIBRS, is submitted for inclusion in the FBI databases. The PFPA estimates that the corrective actions will be implemented by March 2018.

Our Response

Comments from the Director, PFPA, addressed the specifics of our recommendations. We disagree with the Director's conclusion that DoDI 5505.18 did not establish investigative standards for the PFPA. As previously stated in our response to the Director of Organizational Policy and Decision Support, we determined that the requirements established in DoDI 5505.18 apply to Defense agencies. DoDD 5100.01, "Functions of the Department of Defense and Its Major Components," December 21, 2010, and DoDD 5105.68 identify the PFPA as a Defense agency. Although DoDI 5505.18 did not specifically identify the PFPA, the PFPA is a Defense agency, and as such, it was subject to investigative standards identified in DoDI 5505.18. To clarify the PFPA's roles and responsibilities when dealing with sexual assault reports that do not involve members of the military services, we are revising DoDI 5505.18 to define the PFPA's authorities when responding to reports of sexual assault.

The Director's proposed actions satisfy the intent of the recommendations. Therefore, the recommendations are resolved but will remain open. We will close these recommendations once we verify that the PFPA has completed the corrective actions. No further comments are required.

Finding B

The PFPA Did Not Manage Its Evidence Program as Required by Agency Policy

Of 414 evidence items in our sample, the PFPA did not account for or maintain 55 (13 percent) items as required by PFPA policy. Specifically, the PFPA evidence custodians did not comply with PFPA PPD G.O. 5016.01, "Evidence Management and Storage Procedures," April 20, 2005, when processing controlled substances evidence, when receiving evidence from temporary storage, and when conducting inventories or evidence disposal.¹⁸ Additionally, the PFPA used five different evidence-tracking systems, which led to evidence accounting and tracking errors.

Discussion

The PFPA is a Federal law enforcement agency and its law enforcement personnel have the authority to collect, search for, and seize physical evidence. The PFPA Deputy Chief of the Professional Standards and Training Division appointed the primary evidence custodian in March 2007 and the alternate evidence custodian in April 2007. The primary and alternate evidence custodians completed the evidence custodian training required by PFPA PPD G.O. 5016.01. The PFPA evidence room is located on the Pentagon Reservation. The primary evidence custodian provided us a copy of the evidence inventory spreadsheet with 1,260 entries.¹⁹ After consulting with the DoD OIG Quantitative Methods Division, we evaluated a randomly selected statistical sample amounting to 414 of 1,260 evidence items. We noted the evidence custodians did not properly account for 55 (13 percent) of the 414 pieces of evidence.

Evidence Tracking Systems

We found that the PFPA evidence custodians are accounting for evidence in four separate systems: two electronic evidence accounting systems and two manual systems (a green logbook and an evidence storage inventory log spreadsheet).

The first electronic system, called the Integrated Case Information System (ICIS), was used to account for all investigations and evidence from 2001 until 2015. The second electronic system was implemented in July 2015, when the PFPA transitioned to the Records Management System (RMS). All PFPA officers use RMS for writing police reports and other management tasks, including evidence accountability.

¹⁸ Evidence disposition consists of either returning an item of evidence to the owner or destroying it.

¹⁹ The PFPA's spreadsheet had entries that did identify that there were multiple items in a single container. This prohibited the PFPA and us from identifying exactly how many items of evidence that the PFPA controlled. We used entries on the spreadsheet that the PFPA provided to conduct our review.

Once the PFPA transitioned from the ICIS to the RMS, the ICIS operated as a read-only system. The PFPA could no longer use the system to document new investigations or evidence collected in connection with the new investigations. Therefore, the evidence custodians were no longer able to use the system to document evidence transactions, including receipt or disposition of evidence. There was no import function incorporated into the RMS, so evidence accounted for in the ICIS system could not be transferred into the RMS system.

As a solution, the evidence custodians used two manual systems, a green logbook and an evidence storage inventory log spreadsheet, to record notations and disposition information about evidence. In addition, the evidence custodians used this evidence storage inventory log spreadsheet when conducting inventory checks.

The PFPA uses the Protection and Investigation Master Index system to document investigative information that may lead to force protection threat reporting. The evidence custodians also use PIMI to determine case disposition for the disposal of evidence documented in the PIMI system, even though there is no evidence tracking mechanism within the system.

This use of multiple systems presented a significant challenge, as the systems are separate, stand-alone systems which are not integrated and do not interface with each other. This was apparent, as the evidence custodians did not know the exact number of pieces of evidence in the inventory and had difficulty identifying the location of some items of evidence. The use of different systems required us to use two different evidence inventory listings (evidence storage inventory log spreadsheet and RMS inventory) to complete the representative sample inventory. Additionally, we noted that the descriptions of evidence logged into more than one system were different within each system. For example, one system accounted for a backpack filled with personal items as simply a backpack and the owner's name. Another system described the same backpack as containing 52 items. Of note, neither the seizing officers nor evidence custodians inventoried the contents of the backpack to account for all of the items; therefore, the PFPA did not fully account for the property in either of the two evidence-tracking systems or on the evidence tag.

Evidence Descriptions

We determined that the majority of deficiencies were associated with the descriptions of the item not matching the items of evidence. For example, the evidence descriptions in the evidence inventory were either inadequate (that is, generic descriptions, such as= one DVR disc or one Republic De Guatemala identification card) or did not match what the officer or investigator listed on the evidence tag.

Sealed or Wrapped Evidence

The primary and alternate evidence custodians stated that when they received packaged evidence in temporary storage, they did not physically account for the items listed on the evidence tag because they did not open sealed or wrapped evidence.²⁰ The evidence custodians relied on the officer or investigator who seized the item to account for and accurately describe the item contained in the sealed package or container. When asked why they did not open packaged items, the primary evidence custodian replied that not opening the sealed packages insulated them from accusations of tampering with the evidence. They also stated that it is the seizing officer or investigator's responsibility to respond to inquiries concerning the contents of the packaged evidence.

The practice of not opening sealed or wrapped packages does not fulfill the evidence custodian's responsibility to account for the evidence listed on the evidence tags and under their control. For example, we found negotiable instruments (such as, money, credit cards, blank checks, a gift certificate, and calling cards), other items of value (such as, bracelet, cell phone, Metro card, social security card), and unknown pills inside other packaged evidence. We found that the PFPA did not account for these items on the evidence tags.²¹

Moreover, the practice of not opening sealed or wrapped packages also presents two additional issues. First, the seizing officers and investigators did not provide adequate descriptions of the items they seized as evidence (such as, no identifying description of two Republic De Guatemala identification cards). Second, the evidence custodians did not ensure that the officers and investigators accurately described the items on the evidence tag (that is, incorrect number of items).

Evidence Tags

We also observed that multiple RMS-generated evidence tags did not contain the correct quantity or number of evidence items on a single evidence tag. The evidence custodians stated that the RMS system did not allow officers or investigators to enter the quantity when completing an evidence tag; however, at our suggestion, the PFPA evidence custodians will now annotate the quantity in the description of the evidence.

We also inspected items of evidence that did not have an evidence tag. The evidence inventory spreadsheet contained the item description and location but it did not have an evidence tag. The items of evidence did not have documentation

²⁰ Temporary storage is the process used to secure an item of evidence that is seized when an evidence custodian is not present. Once the evidence custodian returns to duty, the evidence custodian removes the item from the temporary storage location and adds it to the primary evidence inventory.

²¹ We found no evidence that the PFPA sent the pills to a laboratory to determine what kind of pills they were.

indicating when or where the item was seized, description and condition of the item at the time of seizure, whom the item was seized from, and who seized the item. The evidence custodians could not explain the reason for the missing evidence tags.

Controlled Substances

We examined 100 percent of the controlled substances evidence under the PFPA's control and determined that the evidence custodians did not weigh the evidence as required by PFPA PPD G.O. 5016.01. PFPA PPD G.O. 5016.01 requires an inventory of all items of controlled substances and dangerous drugs, by count and weight, prior to storage.²² The evidence custodians stated that they did not open evidence previously packaged and sealed by the seizing officers. Thus, the evidence custodians did not annotate weight of the controlled substance, packaged or not packaged. No weights were annotated because neither the evidence custodians nor the seizing officers recorded the weight. Not annotating the count and weight upon seizure makes it difficult to determine the exact amount seized. Annotating the count and weight of controlled substances is standard practice in evidence rooms to deter theft. In certain instances, we found photographs of controlled substances measured with rulers in an attempt to depict the amount of evidence seized by the officer.

The PFPA PPD G.O. 5016.01 requires the destruction of controlled substances under the supervision of the designated evidence custodian and his or her supervisor. However, the evidence custodians did not dispose of nor destroy the controlled substances, as required. The alternate evidence custodian told us that they (evidence custodians) routinely destroyed controlled substance evidence in the Pentagon incinerator without a supervisor present, which violates PFPA PPD G.O. 5016.01. The supervisor's presence is standard practice in law enforcement to deter theft of sensitive items and controlled substances. The evidence custodians documented the destruction on the property tag as required by PFPA PPD G.O. 5016.01, but the supervisor was not present.

Valuables

We examined 100 percent of the negotiable instruments (e.g., U.S. currency, foreign currency, and personal checks) stored in the PFPA's evidence room. The evidence custodians secured the currency in a separate General Services Administration-approved combination safe, as required by PFPA PPD G.O. 5016.01.

²² "By count and weight" means that items will be counted and weighed. For example, a bag containing pills will have both the number of pills and how much those pills weigh, annotated on the evidence form.

The evidence custodians told us that they verified the amount of currency seized and then sealed the evidence container before placing that container in the safe. However, according to PFPA PPD G.O. 5016.01, two law enforcement officers are required to count valuable items (e.g., currency, jewelry, and gemstones) to verify the amount seized before sealing the container. Once sealed, the two officers are required to initial and date the container. Our review of the evidence tags revealed that there was only one evidence custodian verifying the amount seized before the containers were sealed and there were no initials or dates on the sealed containers. Thus, we determined that the evidence custodians were not adhering to either requirement. During our inventory, we found U.S. and foreign currency in two different backpacks that investigating officers did not inventory or document on the evidence tag. The evidence custodians also did not account for those items.

Inventories

We determined that the PFPA did not conduct the inventories as required by PFPA PPD G.O. 5016.01. PFPA PPD G.O. 5016.01 that requires the Chief, PPD, or his designee appoint an inspector (Captain or higher), in writing, to conduct a semi-annual inventory of 100 percent of the evidence under the PFPA's control and to conduct an inspection of the evidence storage facility. The PFPA is required to review evidence and property disposal as part of the semiannual inventory.²³ We determined that the PFPA did not complete the required semiannual inventories and this omission contributed to evidence program deficiencies.

The evidence custodians stated that the PFPA did not conduct semiannual inventory inspections as required. The evidence custodians could not provide a reason why they did not conduct the inventories. The evidence custodians provided the following details regarding inventories conducted from 2014 to 2016.

2014. In December 2013, the Office of the Director, PFPA directed the PFPA OPR Inspections Branch to conduct a special inspection of the evidence management branch. The primary evidence custodian stated OPR completed the special inspection in 2014.

2015. The evidence custodians stated that they conducted inventories of the confiscated and amnesty weapons in June 2015, November 2015, and March 2016.²⁴

²³ PFPA PPD G.O. 5016.01, para 9.c., requires that the inspector selected to conduct the semiannual evidence inventory shall include the following as a part of the inspection: (1) security procedures; (2) entry logs; (3) narcotics, money, and firearms handling; (4) evidence/property accountability; (5) evidence/property disposal; and (6) PFPA's use of the Form 32.

²⁴ Amnesty weapons are weapons that Pentagon patrons voluntarily surrender before entering the Pentagon, which the PFPA officers then placed in secured and marked containers.

2016. In March 2016, the evidence custodians conducted another inventory of the confiscated and amnesty weapons. In June 2016, the PFPA OPR conducted a Special Inspection to assess the PFPA's policies and procedures relating to its disposal of firearms. This inspection included an inventory of all firearms that the PFPA maintained as evidence. In October 2016, the primary and alternate evidence custodians conducted a joint inventory and accounted for all items of evidence.

Perishable Evidence

PFPA PPD G.O. 5016.01 requires refrigeration of perishable evidence. The PFPA used two refrigerators in the evidence room to store perishable evidence. We determined that both refrigerators were inoperable and that the PFPA could not store and preserve perishable evidence.

The evidence custodians showed us a pass-through refrigerator that the PFPA used to store perishable evidence and we found the refrigerator to be inoperative.²⁵ The primary evidence custodian told us that on August 19, 2016, she noticed the refrigerator was leaking water and needed to be replaced. The primary evidence custodian reported the condition of the pass-through refrigerator in August of 2016 to a Logistics Management Specialist in the Washington Headquarters Services, Facilities Services Directorate. The new refrigerator arrived in September of 2016, but the PFPA Facility Manager notified the evidence custodians that the room modification to accommodate the new pass-through refrigerator could not be made until FY 2017 funding was received. Additionally, the evidence custodians had not notified PFPA officers and investigators that the refrigerator was inoperative until we arrived to conduct our evaluation. Therefore, evidence stored in the inoperable refrigerator would likely be degraded. As a result of our evaluation, the PFPA made the appropriate room modification and installed the pass-through refrigerator on April 11, 2017.

We also determined that the second refrigerator in the evidence room, which the PFPA used for long-term storage of perishable evidence, was also inoperative. We found two items of evidence (blood) stored in the second refrigerator, and we found both items of evidence degraded by water (condensation) that collected inside sealed plastic bags.²⁶ The refrigerator also contained standing water on the shelf where the evidence was stored. When we asked the evidence custodians about the water in the refrigerator, she opined that it was "only condensation." As of September 2017, PFPA had not taken action to repair or replace this refrigerator.

²⁵ A pass through refrigerator has an access point on the non-secure side so that officers or investigators can submit collected evidence and an access point in the evidence room where the evidence custodians can retrieve the evidence.

²⁶ The two items of evidence in the refrigerator were related to adjudicated investigations and were approved for disposal or destruction.

Disposition of Evidence

We determined that the PFPA did not dispose of evidence as required by PFPA PPD G.O. 5016.01. We found that the evidence custodians were not seeking evidence disposition in a timely manner or during annual inventories and inspections as required by PFPA PPD G.O. 5016.01.²⁷

For example, at the time of our evaluation, the PFPA had 89 failure to appear (FTA) cases.²⁸ The evidence custodians explained that the SAUSA would not approve disposition of evidence until investigation adjudication.²⁹ This created extended retention of the items in evidence, one of which dates back to December 2, 2000. The evidence custodians explained that they monitor the adjudicative status of these investigations by reviewing the online court system database for disposition of investigations. However, the evidence custodians did not have a formal process to review the adjudicative status of the investigations, nor did they document reviews of the online court system database. We determined the evidence custodians submitted the most recent evidence disposition request in July 2016, for a single piece of evidence. The evidence custodians were not able to demonstrate when they last submitted an evidence disposition request to the SAUSA, before the July 2016 request.

We found that the process used by the evidence custodians to seek evidence disposition is inefficient. The evidence custodians told us that they monitor investigation status to determine when to seek evidence disposition. The evidence custodians explained that one problem in obtaining timely disposition is that the evidence custodians must search through two different investigation management databases (ICIS and RMS) to locate the status of investigations with evidence. The evidence custodians stated that because the legacy system (ICIS) is now read-only it does not have the ability to interface with RMS. The read-only system does not allow the evidence custodians to determine investigation status independently. If the evidence custodians cannot determine investigation status, the custodian must identify and contact the investigating agent or officer to ascertain the status of the investigation and discuss evidence disposition options. The primary and alternate evidence custodians explained that locating investigating agents often requires several attempts because the agents have changed or are no longer employed by the PFPA, and this information is not readily available to the evidence custodians.

²⁷ PFPA PPD G.O. 5016.01 requires evidence to be disposed of within 6 months of the completion of all legal requirements.

²⁸ An FTA is a court order issued by a judge during a court hearing when an individual does not appear in court for their scheduled hearing.

²⁹ We contacted the SAUSA who confirmed that he wanted the evidence retained in FTA cases that are pending adjudication.

We found that another obstacle to timely evidence disposition was that the evidence custodians did not designate an area for evidence pending disposition. PFPA PPD G.O. 5016.01 required weapons seized as evidence to be separated from other evidence once disposal was approved by the SAUSA. During the evaluation, we found items of evidence stored in the evidence room that were not listed on the evidence inventory. The items missing from the evidence inventory were approved for disposal by the SAUSA; however, the items of evidence were being stored in the evidence storage room among other evidence. Evidence that is approved for disposition should be stored in an area separate from evidence that is pending disposition to avoid the same confusion in the future. The evidence custodians had no explanation why they had not yet disposed of the evidence.

Finally, at the time of this evaluation, the alternate evidence custodian told us that there were 895 knives stored in the evidence room. The evidence custodians stated that the Pentagon police officers either confiscate the knives, which the PFPA describes as prohibited weapons, from people attempting to enter the Pentagon or collect the knives from amnesty boxes located around the Pentagon Reservation.³⁰ There was no formal disposal plan for the knives. The evidence custodians stated that there were ongoing discussions to develop a plan, but the PFPA leadership had not established one.

Conclusion

The PFPA evidence custodians were not managing the PFPA Evidence Program as required by the PFPA policies. Adherence to its own policy would help mitigate or eliminate the deficiencies we found during our evaluation.

The use of four different systems (two electronic and two manual systems), none of which is integrated or interfaces with the other systems, to account for evidence is inefficient, complicates evidence management, and has the potential to compromise criminal prosecutions. The PFPA evidence custodians had difficulty identifying the location of evidence and could not account for all evidence in the evidence room.

We determined that the PFPA did not conduct the evidence inventories as required by PFPA PPD G.O. 5016.01. The evidence custodians stated that the PFPA did not conduct any semi-annual inventories during the period evaluated, as required by PFPA policy. The evidence custodians could not provide a reason why they did not conduct the semi-annual inventories.

³⁰ An amnesty box is a receptacle that allows personnel to dispose of prohibited contraband without fear of retribution.

We determined that the PFPA did not dispose of evidence as required by PFPA PPD G.O. 5016.01. We found that the evidence custodians were not seeking evidence disposition in a timely manner or during semi-annual inventories and inspections as required by PFPA PPD G.O. 5016.01. We determined that the evidence custodians did not open controlled substance evidence that seizing officers previously packaged as required by the PFPA PPD G.O. 5016.01. In addition, the evidence custodians did not annotate weight, packaged or not packaged, of the controlled substance evidence, before storage as required. Further, the evidence custodians did not dispose of or destroy the controlled substances, as required.

We determined that the evidence custodians were not accounting for valuable items as required by the PFPA PPD G.O. 5016.01. The evidence custodians told us that only one evidence custodian verified the valuables seized before the containers were sealed. Our review of the evidence tags revealed that there was only one evidence custodian verifying the amount seized before the containers were sealed.

At the time of our evaluation, we determined that the two refrigerators the PFPA used to store perishable evidence were inoperable and could not properly store and preserve evidence. As a result of our evaluation, the PFPA made the required modifications for the replacement of the pass-through refrigerator and installed it on April 11, 2017. The PFPA has not yet provided a replacement date for the other.

The PFPA must address every area within evidence management. The evidence custodians would benefit from additional training in collecting, handling, marking, preserving, packaging, labeling, and storing evidence, including blood, body fluids, and other hazardous materials. The evidence custodians should complete this training and train all other PFPA officers and investigators.

Recommendations, Management Comments, and Our Response

Recommendation B.1

We recommend that the Director, Pentagon Force Protection Agency:

- a. Direct compliance with Pentagon Force Protection Agency Pentagon Police Department General Order 5016.01, “Evidence Management and Storage Procedures,” concerning the collection, processing, inventory, and disposition of evidence.**
- b. Direct the training of evidence custodians to ensure the integrity of collection, processing, inventory, and disposing of evidence.**

- c. Identify and direct the use of one evidence management system to manage the Pentagon Force Protection Agency Evidence Program.**
- d. Direct the installation of a serviceable refrigerator in the evidence room.**

Pentagon Force Protection Agency Comments

The Director, PFPA, agreed and stated that PFPA completed a 100-percent, 2-person inventory of all evidence and began disposing of evidence that was approved for disposition. The Director also stated that the PFPA scheduled the evidence custodians for refresher training and created a master index of all evidence under the PFPA's control. The PFPA estimates that all corrective actions will be implemented by May 2018. Finally, the PFPA serviced the refrigerator in its evidence room, installed a new, temporary storage refrigerator, and placed both of these refrigerators on a maintenance schedule for every 6 months to ensure continued serviceability.

Our Response

Comments from the Director, PFPA, addressed the specifics of our recommendations; therefore, the recommendations are resolved but will remain open. We will close these recommendations once we verify that the PFPA has revised the policies and completed the corrective actions.

Finding C

The PFPA Managed Its Weapons Program as Required by DoD and Agency Policy

The PFPA fully complied with applicable DoD and PFPA policy. We inventoried a randomly selected statistical sample of 184 of 1,817 weapons maintained by the PFPA. Based on this sampling, we determined that the PFPA properly accounted for the weapons in its inventory.

Discussion

The PFPA arms its personnel for duty, training purposes, and incident response capabilities. Its weapons, when not used or issued to its personnel, are stored in armories, safes, firearms range facilities, or lock boxes (for emergencies). The PFPA stores these weapons at the 11 locations where it provides force protection, security, and law enforcement as required by DoDD 5105.68. The PFPA-contracted security officers are not issued PFPA weapons; instead, the company to which the PFPA awarded the contract is responsible for providing the contracted security officers with handguns.

During this evaluation of the PFPA Weapons Program, we determined that the PFPA stored and accounted for its weapons as required by DoD 5100.76-M; DoD 6055.09-M, volumes 1 and 2; and PFPA policy. The PFPA armorers were qualified, trained, and were properly appointed by the appropriate authority. The PFPA Armory Operations Branch Chief provided us with a list of weapons in the PFPA inventory that included rifles, handguns, and shotguns. We used the PFPA's weapons inventory spreadsheets dated March 15, 2017, to conduct the inventory of weapons assigned to the PFPA personnel.

The PFPA armorers accounted for the weapons in its inventory as required by all DoD and PFPA policy. We reviewed documentation related to weapons training and qualifications and determined it was consistent with DoD policy. We reviewed the PFPA 2016 and 2017 weapons inventories and found that the PFPA completed the inventories as required by DoD and PFPA policy. We reviewed the PFPA's quarterly weapon inventory spreadsheets and DD Forms 1150, "Request for Issue/Transfer/Turn-In," concerning the PFPA's weapons accountability procedures.³¹ We found the spreadsheets and forms complied with DoD and PFPA policy. We reviewed the previous monthly weapons inventories that the PFPA conducted during the period of our evaluation and concluded the PFPA complied with policy requirements by properly accomplishing and maintaining its inventory documents.

³¹ A DD Form 1150 is used to request, issue, transfer, turn in, and obtain proper signatures for agency property. The PFPA also uses the forms to ensure agency hand receipts are current.

The PFPA armorers who conducted inventories told us that during the inventories, supervisors visually check serial numbers and then the individual officer or investigator places their initials on the sheet next to the serial number. The supervisors initial after the name of each officer and then sign the inventory spreadsheet before returning it to the armorers. The PFPA armorers also stated that if a weapon is not locally available during the inventory, the PFPA officer's supervisor required the individual to send a "proof of life" photograph with the weapons serial number and date and time stamp to their supervisor.³² During our visit to the Raven Rock Mountain Complex, we could not conduct a physical inspection of six weapons, because the individual officers were not locally available. The PFPA Raven Rock Mountain Complex Deputy Chief provided us with six "proof of life" photographs with the weapons serial number and date and time stamp the following business day.

We determined that the PFPA's armories used DD Forms 1150 for all of the issued weapons. If an officer needs a weapon other than their duty weapon (handgun) for an assignment to a particular post, the armorer issues it and documents it within the daily logbook. With the exception of their duty weapon, officers must return weapons issued daily at the end of their shift. The PFPA submits copies of the weapon inventory spreadsheets and all DD Forms 1150 to the Washington Headquarters Services Facility, Acquisitions, and Logistics Division.

We reviewed the PFPA's personnel weapons qualification documents and determined that personnel maintained qualification on their primary and alternate weapons or that the PFPA properly revoked an officer's arming authority as required by DoD and PFPA policy.

We also reviewed the DD Forms 2760, "Qualification to Possess Firearms or Ammunition," that were completed during our evaluation period and determined that all the PFPA officers and investigators completed the form at least annually during weapons qualification. In addition to the annual DD Form 2760 recertification, the PFPA instituted an added level of employee background review by conducting records checks through the National Crime Information Center (NCIC). The PFPA conducts NCIC records checks annually on personnel assigned to covered positions.^{33, 34} The PFPA representatives stated this supplemented the

³² A "proof of life" photograph is a document that has a time and date embedded in it for authentication purposes. This enables the viewer to determine the specific time a photograph was taken.

³³ The FBI's Criminal Justice Information Services (CJIS) Division NCIC Manual provides details on how to conduct the checks. CJIS is responsible for administering and monitoring NCIC, a law enforcement information-sharing database that allows the user to view automated criminal history records and active warrant information. CJIS also conducts regular audits of organizations with NCIC access.

³⁴ DoDI 6400.06 defines qualifying domestic violence convictions as state or Federal convictions for misdemeanor crimes of domestic violence, felony crimes of domestic violence (adjudged on or after November 27, 2002), or general or special court-martial convictions for Uniform Code of Military Justice offenses otherwise meeting the elements of a crime of domestic violence.

annual recertification of DD Forms 2760. This additional level of review ensured that the PFPA did not provide firearms and ammunition to officers or investigators who had qualifying domestic violence convictions. We found no evidence of a PFPA employee incurring a qualifying conviction after completing the DD Form 2760.

Conclusion

During our evaluation, we determined that the PFPA fully complied with applicable DoD and PFPA weapons policy regarding accountability for the weapons in its inventory. We also determined that the PFPA complied with the requirement to accomplish and maintain the DD Forms 2760 to certify whether employees had a domestic violence conviction that would disqualify them from shipping, transporting, possessing, or receiving firearms or ammunition. Therefore, we are not making any recommendations for the PFPA's Weapons Program.

Appendix A

Scope and Methodology

We conducted this evaluation from March 2017 through August 2017, as required by the Council of the Inspectors General on Integrity and Efficiency, “Quality Standard for Inspection and Evaluation,” January 2012. We obtained sufficient information on the planned objectives to provide a reasonable basis for our observations and conclusions. We used professional judgment in making observations and recommendations. We considered management comments provided when preparing the final report.

We evaluated criminal investigations for compliance with DoDI 5505.16, which established requirements for DoD Component-employed personnel who are conducting criminal investigations, but are not assigned to a DCIO. DoDI 5505.16 defines criminal investigations as those “investigations into alleged or apparent violations of law undertaken for purposes which include the collection of evidence in support of potential criminal prosecution.”

The scope of this evaluation was initially limited to investigations initiated between January 1, 2015 and December 31, 2016 (24 months). Because we determined that the PFPA investigated two of three sex offense allegations in a manner inconsistent with DoDI 5505.18, we expanded the scope of our evaluation to determine if the PFPA investigated any other sexual assault allegations since the publishing of DoDI 5505.18 on January 25, 2013. We notified the PFPA Director of the TMD, our point of contact for the evaluation, of our expanded scope. He provided an additional list of twelve investigations that met the criteria of our evaluation.

We initially reviewed 293 OPR files and 127 IID files, for a total of 428 files that the PFPA opened on or after January 1, 2013, and closed on or before December 31, 2016. The PFPA identified 77 of the 428 files as criminal investigation. We excluded four of the 77 files because the files were still open and thus not in the scope of the evaluation. We also excluded 28 additional files because we determined that the allegations and circumstances were not criminal in nature. Therefore, we evaluated 45 closed criminal investigations for investigative sufficiency and to determine whether the PFPA conducted these investigations in accordance with DoD and PFPA policy. The remaining 383 files were administrative investigations that were not in the scope of our evaluation. We found that in the 45 closed criminal investigations we evaluated, the PFPA had identified 33 subjects.

We initially used spreadsheets that the PFPA primary evidence custodian provided us, which contained a list of evidence items under the PFPA's control. QMD provided a sample size of 221 evidence items from the list of 1,260 evidence entries. Additionally, we used our professional judgment and conducted a 100-percent inventory of weapons, controlled substances, and monetary evidence because of the increased emphasis that PFPA PPD G.O. 5016.01 placed on those items. During the inventory, we verified whether the items seized as evidence were documented and stored in accordance with PFPA policy.

We used a spreadsheet that the PFPA weapons custodian provided us, which contained a list of 1,820 firearms in the PFPA's inventory. QMD provided a sample size of 185 items from that list. Additionally, we used our professional judgment and conducted a 100-percent inventory of several specialized mission firearms in the PFPA's inventory. During the inventory, we verified that the firearms under PFPA's control were stored and issued in accordance with DoD and PFPA policy. We also reviewed the PFPA's policy to verify whether it was aligned with the DoD policy governing storage and issue of firearms.

Use of Computer-Processed Data

The PFPA TMD, the OPR, and the IID Directors generated a list of administrative and criminal investigations from ICIS and RMS. We used a Microsoft Access database developed from a protocol based on the policy requirements. Based on Microsoft Access query results, we copied information to an Excel file for computations. Additionally, the primary evidence custodian and the PFPA armorers provided us spreadsheets populated with evidence items and weapons, which we used to conduct inventories.

Use of Technical Assistance

Based on the number of weapons and evidentiary entries reported, we worked with the DoD OIG QMD to identify a statistically valid random sample of items to inventory based on a desired level of reliability. QMD selected the sample size from the population using a 90-percent confidence level. In addition to the items selected by QMD, we used our professional judgment and conducted a 100-percent inventory of controlled substances and monetary evidence because of the increased emphasis that PFPA PPD G.O. 5016.01 placed on those items.

Prior Coverage

Although the previous two evaluations exceed the DoD OIG's normal 5-year period, we believe the findings identified during our 1999 and 2004 PFPA evaluations were significant enough to reference in this report.

Report No. DODIG-995006F, "Evaluation of the Defense Protective Service," May 14, 1999

During that evaluation, we determined that there were "significant problems in personnel and administration areas" within DPS. The report included 27 recommendations on the roles and responsibilities, organization and management, personnel, operations, and operations support within DPS. DPS had not properly accounted for its weapons and the evaluators could not determine the number of weapons that were lost, stolen, or missing. Additionally, the DPS Evidence Program did not address security of evidence rooms, chain-of-custody, inspections, or physical inventory.

Report No. DODIG-IP02004E001, "Follow-on Evaluation of the Defense Protective Service," February 18, 2004

During that evaluation, we determined that the PFPA had only implemented five of the 27 recommendations and we identified additional problems related to effective law enforcement operations. The PFPA addressed some of the law enforcement authorities afforded to its officers, but had not completely addressed jurisdictional training of officers. The PFPA addressed the evidence related findings, but this evaluation noted shortfalls in weapons storage and reporting of weapons inventories. The PFPA reported that 12 weapons were lost or stolen since 1996, but had not completed the required investigations into those incidents. At the time of the 2004 report, the PFPA could not account for four weapons.

In 2016, we evaluated the Defense Agencies' Law Enforcement Divisions' compliance with the Lautenberg Amendment requirements and implementing guidance. Notably, we concluded that PFPA's compliance with the Lautenberg Amendment exceeded the DoD policy requirements.

Report No. DODIG-2016-053, "Evaluation of the Defense Agencies' Law Enforcement Divisions' Compliance with the Lautenberg Amendment Requirements and Implementing Guidance," February 23, 2016

During that evaluation, we determined that the PFPA exceeded the requirements of DoDI 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," by requiring its employees to recertify annually

that they do not have a qualifying domestic violence conviction. Additionally, the PFPA implemented processes to conduct annual records checks of personnel in covered positions. This measure ensured that the divisions did not issue firearms or ammunition to anyone with a qualifying domestic violence conviction.

Applicable Federal Law

Section 1561, title 10, United States Code, (10 U.S.C. § 1561 [2015]) “Complaints of sexual harassment: investigation by commanding officers,” is the source of all the authority to the Military Department. Section 1561 requires the creation of a consistent training curriculum regarding sexual assault prevention and response for MCIO investigators, law enforcement resources, and other first responders assigned to respond to and investigate adult sexual assault. This training requirement is codified in DoDI 5505.18. Although the PFPA is not a Military Department, we determined that the applicability and intent of DoDI 5505.18 is for the law enforcement agencies within the DoD that investigate sexual assault allegations to be trained to that standard and that there was no intent to exclude the PFPA from those requirements.

Section 1585, title 10, U.S.C. (2014), “Carrying of Firearms,” is the basis for the DoD-wide policy that is disseminated in DoDD 5210.56. It states that, “Under regulations to be prescribed by the Secretary of Defense, civilian officers and employees of the Department of Defense may carry firearms or other appropriate weapons while assigned investigative duties or such other duties as the Secretary may prescribe.” This directive enunciates the DoD policy, “. . . to limit and control the carrying of firearms by DoD military and civilian personnel.” The Applicability and Scope section of the Directive, at subparagraph 2.2 specifically “. . . authorizes DoD personnel to carry firearms while engaged in law enforcement or security duties, protecting personnel, vital Government assets, or guarding prisoners.”

Section 2674, title 10, United States Code, (10 U.S.C. § 2674 [2010]) “Operation and control of Pentagon Reservation and defense facilities in National Capital Region,” paragraph (b)(1)(B), gives the PFPA statutory authority as a law enforcement activity, where it states:

[Secretary of Defense appointed law enforcement and security personnel] shall have the same powers (other than the service of civil process) as sheriffs and constables upon the property referred to in the first sentence [Pentagon Reservation] to enforce the laws enacted for the protection of

persons and property, to prevent breaches of the peace and suppress affrays or unlawful assemblies, and to enforce any rules of regulations with respect to such property prescribed by duly authorized officials.³⁵

Applicable Department of Defense Policy

The PFPA is a Defense agency under the authority, direction, and control of the OCMO. When DoDD 5105.68 was issued, the PFPA was aligned under the Director of Administration and Management (DA&M). DoDD 5105.53, “Director of Administration and Management (DA&M),” February 26, 2008, assigned DA&M the responsibility to provide policy and oversight to the PFPA. However, Secretary of Defense Chuck Hagel directed an organizational restructuring that realigned DA&M and the PFPA under the OCMO as of January 1, 2015.

DoDD 5105.68 states:

PFPA provides force protection, security, and law enforcement to safeguard personnel, facilities, infrastructure, and other resources for the Pentagon Reservation and designated DoD facilities within the National Capital Region.³⁶

DoDD 5105.68 also requires the PFPA to comply with DoDI 5505.07, DoDI 5505.11, “Fingerprint Card and Final Disposition Report Submission Requirements,” July 21, 2014, and DoDI 5505.14, “Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations,” May 27, 2010.

The DoD issued DoDD 5105.68 after DoDI 5505.18; however, DoDD 5105.68 does not discuss the requirements of DoDI 5505.18 pertaining to investigations of sexual assault.

DoD 5100.76-M establishes requirements to protect and store firearms and ammunition. It also specifies investigation and reporting requirements for lost or stolen weapons, and inventory procedures, including frequency of inventories.

³⁵ The Pentagon Reservation is the area of land consisting of approximately 233 acres and improvements, located in Arlington, Virginia, on which the Pentagon Office Building, Pentagon Emergency Response Center, classified waste destruction facility, the Pentagon heating and sewage treatment plants, and other related facilities are located, including various areas designated for vehicle parking. This term includes the land and physical facilities of Raven Rock Mountain Complex, pursuant to 10 U.S.C. § 2674 (2010).

³⁶ The National Capital Region is the geographic area located within the boundaries of the District of Columbia; Montgomery and Prince George’s Counties in the State of Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties, and the City of Alexandria in the Commonwealth of Virginia; and all cities and other units of government within the geographic areas of such district, counties, and city.

DoD 6055.09-M, Volume 1 and DoD 6055.09-M, Volume 2 establish explosives safety standards for DoD designed to manage risks associated with ammunition and explosives by providing protection criteria to minimize serious injury, loss of life, and damage to property. The Manuals also prescribe the requirements for the storage and signage of ammunition in DoD facilities.

DoDD 5505.06 gives the PFPA the authority to conduct investigations into allegations of misconduct made against senior officials, but requires it to report the allegations to the DoD IG within five workdays of receipt of the allegation.

DoDD 5210.56 authorizes the carrying of firearms by certain DoD personnel in covered positions, including law enforcement personnel, under specific conditions and implements policy for complying with the Gun Control Act of 1968 and the Lautenberg Amendment.³⁷ It mandates a screening process for all personnel carrying firearms. It also requires the completion of annual firearms training and completion of a DD Form 2760, "Qualification to Possess Firearms or Ammunition," for those personnel.

DoDI 5505.17, "Collection, Maintenance, Use, and Dissemination of Personally Identifiable Information and Law Enforcement Information by DoD Law Enforcement Activities," December 19, 2012, defines a DoD Law Enforcement Activity as an agency chartered or empowered to enforce the criminal laws of the United States on DoD property or during DoD functions anywhere in the world. These activities as designated may take reasonably necessary and lawful measures to maintain law and order and to protect installation personnel and property. DoDI 5507.17 also lists the PFPA PPD as an example of a DoD law enforcement activity.

DoDI 5505.07 requires DCIOs and other DoD law enforcement activities that conduct criminal investigations to title and index subjects of criminal investigations in the DCII as soon as the investigation determines that credible information exists that the subject committed a criminal offense.³⁸

³⁷ DoDI 6400.06, "Domestic Abuse Involving DoD Military and Certain Affiliated Personnel," August 21, 2007, Incorporating Change 4, May 26, 2017, defines covered positions "are those filled by DoD civilian personnel who handle firearms or ammunitions in the course of their assigned duties.

³⁸ DoDI 5505.07 states that DCII is a centralized database of selected unique identifying information and security clearance data utilized by security and investigative agencies in the DoD to determine security clearance status and the existence of criminal and personnel security investigative files. DoDI 5505.07 defines a subject as "a person, corporation, or other legal entity about which credible information exists that would cause a trained criminal investigator to presume that the person, corporation, or other legal entity committed a criminal offense." DoDI 5505.07 also states that "indexing" is the process used to identify information concerning subjects, victims, or incidentals of investigations for addition to DCII. It further states that "titling" is the act of identifying a subject in the title block of an investigative report.

DoDI 5505.11 requires DoD law enforcement activities to collect and submit fingerprints and criminal history data from military subjects. The DoD law enforcement activities will submit fingerprints to the FBI following coordination with a legal advisor to determine when probable cause exists to believe that the person has committed an offense listed in Enclosure 2 of that Instruction. It also states that the same procedure be followed for civilian subjects for offenses punishable pursuant to the U.S.C. equivalent to the offenses listed in Enclosure 2. The FBI implemented the Integrated Automated Fingerprint Identification System and all fingerprints submitted after April 15, 2012 must be electronic.

The May 27, 2010, version of DoDI 5505.14 lists the organizations authorized to collect and submit DNA samples to the U.S. Army Criminal Investigation Laboratory. DoD issued a revised version of DoDI 5505.14 on December 22, 2015. The current version of this instruction does not include a list of organizations required to collect and submit DNA, but specifies the conditions when a DoD law enforcement activity would collect and submit DNA. As a DoD law enforcement activity, the PFPA is required to comply with the provisions of this instruction. Additionally, DoDD 5105.68, the PFPA's governing Directive, requires it to comply with DoDI 5505.14. Normally, DNA is collected at the same time as fingerprints in connection with an investigation conducted by a DoD law enforcement activity, when the investigator concludes there is probable cause to believe that the subject has committed the offense under investigation and that subject is in the custody of the law enforcement activity. The investigator must consult with a legal advisor prior to making a probable cause determination.

DoDI 5505.16, Enclosure 2, required the PFPA to establish procedures to notify the servicing DCIO at the onset of all criminal investigations it initiates that the DCIO may have responsibility over. DoDI 5505.16 also required that all DoD Components, "report allegations of misconduct made against senior officials to the IG DoD pursuant to DoDD 5505.06." Furthermore, DoDI 5505.16 required the collection and submission of fingerprints, DNA samples, titling of subjects, and the submission to the DIBRS.

DoDI 5505.18, states that it applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the "DoD Components"). It establishes policy, assigns responsibilities, and

provides procedures for the investigation of adult sexual assaults within the DoD.³⁹ Paragraph 3.c.(1) states that “If the alleged assault occurred on a military installation and the accused and/or victims not a military member or dependent, the Federal Bureau of Investigation must be notified...” Paragraph 3.c.(4), requires the PFPA to report sexual assault incidents involving persons with a “military affiliation,” that occurs at the Pentagon or within the Pentagon Reservation, to the appropriate MCIO.⁴⁰ The MCIO must assume the lead role in the investigation. The PFPA may encounter a situation where a sexual assault incident involving persons without a military affiliation occurs at the Pentagon or within the Pentagon Reservation. Therefore, the PFPA should follow the requirements of 10 U.S.C. § 1561 (2015), as implemented by DoDI 5505.18.

DoDI 5525.15, “Law Enforcement (LE) Standards and Training in the DoD,” December 22, 2016, establishes policy, assigns responsibilities, and provides procedures for DoD military and civilian law enforcement standards and training, the DoD Peace Officer Standards and Training (POST) Commission, certification and physical fitness standards for DoD military police, civilian police, and security guards, and certification for investigative analysts. The POST Commission develops and certifies accreditation standards, which DoDI 5525.15 lists as “Guidelines.” By not meeting these standards, the PFPA could lose the law enforcement accreditation granted by the POST Commission.

DoDI 7730.47 requires DoD Components with assigned law enforcement responsibilities to submit criminal incident information to DIBRS monthly. DIBRS is DoD’s centralized reporting system to the FBI’s National Incident-Based Reporting System. The Defense Manpower Data Center is the central repository for the collection of DIBRS criminal incident information reported by DoD law enforcement activities. DoDI 7730.47 rescinded and replaced DoDD 7730.47, “Defense Incident-Based Reporting System (DIBRS),” October 15, 1996, but also required the submission of criminal incident information to DIBRS. Reporting criminal incident information to DIBRS is a law enforcement agency POST accreditation requirement. An agency that does not report DIBRS data may be subject to the removal or suspension of its authority to carry out its law enforcement mission.

³⁹ Training requirements for criminal investigators who conduct sexual assault investigations can be found in DoDI 5505.18, DoDI 5505.19, “Establishment of Special Victim Investigation and Prosecution (SVIP) Capability within the Military Criminal Investigative Organizations (MCIOs),” February 3, 2015, and DoDI 6495.02, “Sexual Assault Prevention and Response (SAPR) Program Procedures,” May 24, 2017.

⁴⁰ DoDI 5505.18 does not provide a definition for military installation or military affiliation. Section 2801, Title 10, U.S.C. §2801 (2010), “Military Construction and Military Family Housing,” defines a military installation as a base, camp, post, station, yard, center, or other activity under the jurisdiction of the secretary of a military department. Therefore, the PFPA does not consider the Pentagon Reservation a military installation. For the purposes of this evaluation, we define military affiliation as a member of the military, a civilian employee of a military service, a contractor working for a military service, or a family member of a military member.

Applicable Agency Policy

PFPA Regulation 0023, "PFPA Incident Based Reporting System Program," January 31, 2006, requires the PFPA to report crime statistics as required by DoDD 7730.47. PFPA Regulation 0023 establishes procedures for incident based reporting system, assigns responsibilities for the system, and assigns the Director of Operations as the proponent for the policy.

PFPA Regulation 5000.64 establishes policy and assigns responsibilities for the accountability and control of Government personal property within the PFPA, including firearms and ammunition.

PFPA Regulation 5014, "Eligibility to Possess Firearms and Ammunition: The Lautenberg Amendment," December 30, 2011, establishes operational policy and procedures for handling acts of domestic violence committed by police officers and the PFPA employees authorized to transport, receive, and possess firearms. It requires the PFPA's employees to recertify annually that they do not have a qualifying domestic violence conviction. Additionally, it describes the processes to conduct annual records checks of personnel in covered positions, helping ensure that the divisions do not issue firearms or ammunition to anyone with a qualifying domestic violence conviction.

PFPA Regulation 5100.76, "Safeguarding and Accountability of Arms, Ammunition, and Explosives (AA&E)," January 3, 2017, requires the PFPA's employees to comply with DoD 5100.76-M, and establishes policy and responsibilities for the accountability and control of firearms and ammunition. It requires monthly inventories and supervisors to select random individuals for accountability checks. Additionally, it requires the PFPA personnel to report all lost or damaged weapons consistent with DoD 5100.76-M.

PFPA Regulation 5105.12, "Investigations and Intelligence Division Charter," August 19, 2016, defines the mission and scope of the IID. It also establishes the responsibilities and authorities of the IID Division Director and requires the IID Director to ensure the notification of servicing DoD Criminal Investigation Organizations at the onset of all investigations initiated on Military Service members, DoD civilians, or DoD contractors identified as subjects or victims of criminal activity, as required by DoDI 5505.16.

PFPA Regulation 5105.23, "Office of Professional Responsibility Charter," November 14, 2016, defines the mission and scope of the OPR. It also establishes the responsibilities and authorities of the OPR Division Director and requires the OPR Director to ensure investigators conduct and report criminal investigations according to DoDI 5505.16.

PFPA Regulation 9105, "Authorized Firearms/Ammunition and Semi-Annual Weapons Qualification Standards," November 15, 2013, establishes procedures for issuing firearms and ammunition to the PFPA's law enforcement officers and investigators. The regulation requires the Director, PFPA to authorize, in writing, who can carry firearms while performing their assigned duties. It dictates that the officers and investigators must meet the PFPA's qualification requirements to carry firearms while performing official duties. Additionally, it lists the firearms and ammunition authorized for use within the PFPA. PFPA Regulation 9105 places administrative responsibility for firearms and ammunition with the Principal Assistant Director for law enforcement.

PFPA Regulation 9411, "Investigating Sexual Assault," June 3, 2009, provides PFPA employees with the guidelines to investigate sexual assault allegations including the response, investigation of, and measures taken, to assist victims and witnesses with regard to reports of sexual assault.

PFPA PPD G.O. 5016.01 provides policy for "all employees when involved in the security and inventory of all accountable, recovered, and evidentiary property." PFPA PPD G.O. 5016.01 requires the PFPA's evidence custodians to comply with the requirements of Department of the Army Regulation (AR) 195-5, "Evidence Procedures," August 28, 1992 when disposing of evidence.

PFPA OPR Standard Operating Procedure Chapter 3, "Investigative Procedures," June 18, 2013, provides PFPA with the types of allegations the OPR investigates within the PFPA. This chapter also provides OPR with the notification requirements, records checks requirements, and discusses the investigative timeline OPR is to adhere to during investigations.

Appendix B

Management Comments, Office of the Chief Management Officer



OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

DEC 20 2017

Mr. [REDACTED]
Supervisory Special Agent
Office of Inspector General
Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

Dear Mr. [REDACTED]:

This is the Office of the Deputy Chief Management Officer (ODCMO) response to the Office of Inspector General of the Department of Defense (OIG DoD), Draft Report, Project No. 2017C001, "Evaluation of the Pentagon Force Protection Agency's Critical Law Enforcement Program Compliance." You requested, via Recommendation A.1, that we update the Pentagon Force Protection Agency (PFPA) charter to reflect new responsibilities relating to the investigation of alleged sexual assaults at the DoD, in accordance with DoD Instruction (DoDI) 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," March 22, 2017.

The ODCMO partially concurs with Recommendation A.1., and we are committed to policies which both strengthen the investigations of alleged sexual assaults and implement the appropriate training to support this activity. The PFPA charter (DoD Directive (DoDD) 5105.68) was last updated as Change 1 on December 6, 2017. During formal coordination of the DoDD, OIG DoD, a mandatory coordinator, responded with "No Comment." DoDI 5505.18 was therefore not cited in nor any related DoDI compliance language included in the recent update. A review of DoDI 5505.18 reveals that PFPA is not included in the definitions of a "military criminal investigative organization" or "other law enforcement activity resources". These definitions guide the processes and procedures of this DoDI. The omission of PFPA suggests the report's assessment of PFPA's compliance is premature.

To achieve the underlying goal of this recommendation, the ODCMO:

- (1) Supports a revision of DoDI 5505.18 to be completed by the Office of Primary Responsibility (OIG DoD). The OIG's assessment of PFPA's compliance in the captioned report is premature until the DoDI can be revised with respect to two definitions: (1) military criminal investigative organizations; and (2) other DoD law enforcement activity resources.
- (2) Will include appropriate content in the next update of the PFPA charter. Once DoDI 5505.18 has been revised, my Directorate within the ODCMO will ensure that appropriate language is included in the next revision of the PFPA charter to enhance the Defense Agency's ability to support these investigations.

My point of contact for this report is Ms. [REDACTED] who may be reached at [REDACTED] or email at [REDACTED]@mail.mil.

Sincerely,

Regina F. Meiners
Director
Organizational Policy and Decision Support

Management Comments, Director, Pentagon Force Protection Agency



DEPARTMENT OF DEFENSE
PENTAGON FORCE PROTECTION AGENCY
9000 DEFENSE PENTAGON
WASHINGTON, DC 20301-9000



DEC 20 2017

MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: DoD IG Draft Report - "Evaluation of the Pentagon Force Protection Agency's Critical Law Enforcement Program Compliance," Project No. 2017C001

This is in response to your request for comments regarding the proposed subject report. I acknowledge the detailed review your office conducted of our criminal investigative, evidence management, and weapons programs, and appreciate the opportunity to review and comment on the report findings. I concur with the recommendations outlined in the report, with one exception as noted below. Attached are comments to the initial report and planned actions PFPA will take to resolve identified issues (TAB 1).

PFPA understands the seriousness and sensitivities of allegations of sexual assaults. PFPA is committed to ensuring its personnel are properly trained to respond expeditiously, and conduct thorough investigations of alleged sexual assault incidents. PFPA referred the two sexual assault cases identified in the report to the Federal Bureau of Investigation (FBI) to guarantee all possible evidence was collected and investigative steps were completed. On Thursday, December 14, 2017, the FBI informed PFPA they would not take any additional investigative actions or refer for prosecution.

PFPA will ensure that other required investigative and criminal information is submitted for inclusion in the FBI databases. PFPA and the Defense Management Data Center are developing a process to report information to the Defense Incident Based Reporting System, as required by DoDI 7730.47. PFPA expects to have a solution by March 1, 2018. PFPA will finalize guidance to ensure the proper collection of deoxyribonucleic acid (DNA) samples from suspects of criminal investigations, in accordance with DoDI 5505.14; PFPA will publish guidance and implement collection of DNA samples by February 1, 2018. PFPA is conducting a comprehensive review to ensure all fingerprint cards and final disposition reports have been reported in compliance with DoDI 5505.11. PFPA will complete this review and take corrective actions by March 1, 2018.

PFPA immediately implemented corrective actions to address issues with its evidence management program. PFPA completed a 100% inventory of all evidence on December 7, 2017, and confirmed 100% accountability of all items held as evidence. A small number of minor record-keeping discrepancies, which did not impact accountability, were corrected on the spot. PFPA replaced and/or serviced the evidence refrigerators that were noted in the report; these actions were initiated prior to the evaluation. PFPA was not storing perishable evidence in an inoperable refrigerator; the evidence referred to in the report was non-evidentiary material, labeled and scheduled for destruction.



Management Comments, Director, Pentagon Force Protection Agency, Cont'd

PFPA requests you update the DoDI 5505.18, "Investigations of Adult Sexual Assault in the Department of Defense" to specifically include PFPA, and provide standards for the investigation of sexual assaults to personnel not under the jurisdiction of a military criminal investigative organization. DoDI 5505.18 clearly establishes investigative standards for the Military Criminal Investigative Organizations; PFPA does not concur with your assessment that the policy as written establishes investigative standards for PFPA. In response, PFPA will update its policies and procedures to ensure compliance. PFPA will take immediate action to ensure its criminal investigators receive the specialized training identified in DoDI 5505.18.

If you have any questions, the PFPA point of contact is Mr. [REDACTED], Director, Threat Management, who may be reached at [REDACTED], or [REDACTED]@mail.mil.



Jonathan H. Cofer
Director

Attachments:
As stated

Acronyms and Abbreviations

AA&E	Arms, Ammunition, and Explosives
AFOSI	Air Force Office of Special Investigations
AUSA	Assistant United States Attorney
DA&M	Director of Administration and Management
DCII	Defense Central Index of Investigations
DCIO	Defense Criminal Investigative Organizations
DCMO	Deputy Chief Management Officer (DCMO)
DIBRS	Defense Incident-Based Reporting System
DNA	Deoxyribonucleic Acid
DPS	Defense Protective Service
FBI	Federal Bureau of Investigation
FTA	Failure To Appear
G.O.	General Order
ICIS	Integrated Case Information System
IG	Inspector General
IID	Investigations and Intelligence Division
MCIO	Military Criminal Investigative Organizations
NCIC	National Crime Information Center
NCIS	Naval Criminal Investigative Service
OCMO	Office of the Chief Management Officer
OIG	Office of Inspector General
OPR	Office of Professional Responsibility
PFPA	Pentagon Force Protection Agency
POST	Peace Officer Standards and Training
PPD	Pentagon Police Department
QMD	Quantitative Methods Division
RMS	Records Management System
SAUSA	Special Assistant United States Attorney
SOP	Standard Operating Procedure
TMD	Threat Management Directorate
U.S.C.	United States Code
USACIDC	United States Army Criminal Investigation Command

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U.S. DEPARTMENT OF DEFENSE

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